

Attorney Docket No.: CORA-007CIP
U.S. Serial No.: 09/728,171

REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-5, 7-12 and 14-19, the only claims pending and under examination at this time following entry of the above amendments.

The specification has been amended to recite the trademarks in all capital letters, as requested by the Examiner.

The claims have been amended to specify that the fluid delivery device is a device that introduces to and aspirates fluid from a target site, support for this amendment being found at page 9, lines 20 ff of the specification and originally pending Claims 6, 13 and 20. Claims 6, 13 and 20 have correspondingly been canceled, and claims 7 and 13 been amended in view of this cancellation. As such, no new matter has been added and entry of the above amendments and new claims is therefore respectfully requested.

The issues listed under the Heading "SPECIFICATION" on page 2 of the office action are believed to be addressed by the above amendments to the specification.

Claims 1-20 were rejected under 35 U.S.C. § 112, first paragraph for use of the term "localized delivery." Solely in order to expedite allowance of the present application, and without in any way acquiescing with the Examiner's characterization of the claims, the claims have been amended in order to overcome this rejection. In view of this amendment, this rejection may be withdrawn.

Finally, the Examiner has rejected Claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Hausheer.

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As amended, the claimed kits are limited such that the fluid delivery means must be one that provides for fluid delivery to and aspiration from a target site. The reference cited by the Examiner discloses a method based on systemic administration of a fluid, and therefore does not teach or even suggest a device as required in the above claims. As such, Hausheer fails to teach a kit that includes the recited fluid delivery devices.

Because Hausheer fails to teach each and every element of the claimed kit, e.g., the recited fluid delivery devices, Hausheer fails to anticipate Claims 1-20 under 35 U.S.C. § 102(e) and this rejection may be withdrawn.

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CONCLUSION

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,

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Date: 8/6/03

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